

Filed by: Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 22

Filed 22 February 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

SHIGEKAZU YAMADA
Junior Party
(Patent 6,621,742),

v.

GEOFFREY GONGWER and DANIEL C. GUTERMAN
Senior Party
(Application 10/804,770).

Patent Interference No. 105,386 (SCM)
(Technology Center 2800)

Before: LEE, TORCZON, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

1 On 13 February 2006, the board received from the involved parties a "JOINT REQUEST
2 FOR ADVERSE JUDGMENT" (Paper 21), in which both Gongwer and Yamada request adverse
3 judgment on the ground that all claims corresponding to the count are unpatentable over prior art
4 applicable to both the Gongwer application and the Yamada patent.

5

1 Accordingly, it is

2 **ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4), the sole count
3 in the interference is awarded against junior party SHIGEKAZU YAMADA.

4 **FURTHER ORDERED** that junior party SHIGEKAZU YAMADA is not
5 entitled to a patent containing claims 1-6 (corresponding to Count 1) of U.S. patent 6,621,742.

6 **FURTHER ORDERED** that judgment on priority as to Count 1 (Paper 1 at 4),
7 the sole count in the interference is awarded against senior party GEOFFREY GONGWER and
8 DANIEL C. GUTERMAN.

9 **FURTHER ORDERED** that senior party GEOFFREY GONGWER and
10 DANIEL C. GUTERMAN is not entitled to a patent containing claims 19-23 (corresponding to
11 Count 1) of application 10/804,770.

12 **FURTHER ORDERED** that a copy of this paper shall be made of record in files
13 of application 10/804,770 and U.S. Patent 6,621,742.

14 **FURTHER ORDERED** that if there is a settlement agreement, attention is
15 directed to 35 U.S.C. § 135(c) and Bd.R. 205.

16
17 /Jameson Lee/)
18 JAMESON LEE)
19 Administrative Patent Judge)
20)
21 /Richard Torczon/) BOARD OF PATENT
22 RICHARD TORCZON) APPEALS AND
23 Administrative Patent Judge) INTERFERENCES
24)
25 /Sally C. Medley/)
26 SALLY C. MEDLEY)
27 Administrative Patent Judge)

cc (via e-mail):

Counsel for YAMADA:

rneifeld@neifeld.com

Counsel for GONGWER:

gparsons@phdr-law.com

jhsue@phdr-law.com